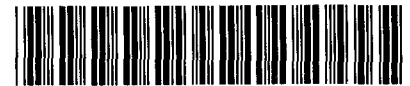


ORIGINAL

OPEN MEETING AGENDA ITEM



0000106338

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

DEC 21 2009

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY	
-------------	--

IN THE MATTER OF THE APPLICATION OF
SULPHUR SPRINGS VALLEY ELECTRIC
COOPERATIVE, INC. FOR A HEARING TO
DETERMINE THE FAIR VALUE OF ITS
PROPERTY FOR RATEMAKING PURPOSES, TO
FIX A JUST AND REASONABLE RETURN
THEREON, TO APPROVE RATES DESIGNED TO
DEVELOP SUCH RETURN AND FOR RELATED
APPROVALS.

DOCKET NO. E-01575A-08-0328

PROCEDURAL ORDER

BY THE COMMISSION:

By Procedural Order dated December 15, 2009, the hearing on the reconsideration of this matter was set for May 18, 2009. The December 15, 2009 Procedural Order contained standard instructions on discovery.

By letter dated December 17, 2009, and received December 18, 2009, Ms. Susan Scott, an intervenor in this matter, requested instructions for discovery. Ms. Scott states she sent Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC") Data Requests on December 1, 2009 and on December 7, 2009, received the first Response and Objection to her First Set of Data Requests.

It is unclear whether after the December 15, 2009 Procedural Order, there remains a need to issue further discovery instructions. Prior to the issuance of the Procedural Order, there was a question about the scope of the hearing, which was addressed in the Procedural Order. This Procedural Order is issued in an attempt to clarify discovery instructions. SSVEC should respond to the data requests to which it does not object within the time specified in the December 15, 2009, Procedural Order. Given the holidays, the parties should attempt to negotiate a mutually agreeable response schedule if SSVEC is unable to respond within 10 business days. To the extent Ms. Scott wants to attempt to compel SSVEC to respond to the data requests to which it has objected, Ms. Scott should file a Motion to Compel providing her arguments in favor of requiring responses. Prior to

1 filing any Motions, however, the parties should attempt to negotiate in good faith pursuant to the
2 terms of the December 15, 2009 Procedural Order.

3 IT IS THEREFORE ORDERED that discovery shall be governed by the terms of the
4 December 15, 2009, Procedural Order.

5 IT IS FURTHER ORDERED that following a good faith attempt at negotiating a resolution to
6 discovery disputes, the parties may file Motions to Compel.

7 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
8 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

9
10 DATED this 18th day of December, 2009.

11
12
13 
JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed
15 this 18 day of December, 2009 to:

16 Bradley S. Carroll
17 Jeffrey W. Crockett
18 Snell & Wilmer LLP
19 One Arizona Center
20 400 East Van Buren
21 Phoenix, AZ 85004-2202
22 Attorneys for SSVEC

23 Susan Scott
24 PO Box 178
25 Sonoita, AZ 85637

26 Janice Alward, Chief Counsel
27 LEGAL DIVISION
28 Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Steve Olea, Director
Utilities Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

By: 
Jane Rodda